

AD. 13.
March 8, 2021.
MNS.

W. P. A. 2524 of 2020
(**Via video conference**)

Pawan Kumar Patodia
Vs.
Union of India and others

Mr. S. Banerjee,
Mr. A. K. Upadhyay

... for the petitioner.

Mr. M. S. Tiwari,
Ms. Shweta Poddar

...for the Union of India.

A preliminary objection as to maintainability of the writ petition is taken by learned counsel for the Union of India.

It is submitted that since the deactivation of Director Identification Number (DIN), challenged in the present writ petition, was by the Registrar of Companies, Hyderabad, in respect of defaults allegedly committed by the petitioner in respect of companies located in Hyderabad, this Court does not have territorial jurisdiction to entertain the writ petition.

Learned counsel for the petitioner, in answer, submits that the effect of the disqualification is not restricted to the Companies at Hyderabad but, for all practical purposes, also

operates in respect of some of the companies of the petitioner situated in Kolkata.

By placing reliance on Article 226(2) of the Constitution of India and ***Nawal Kishore Sharma Vs. Union of India and others reported at (2014) 9 Supreme Court Cases 329***, learned counsel for the petitioner argues that even if a part of the cause of action arises within the territorial jurisdiction of a High Court, a writ petition can be entertained by such Court.

However, since the cause of action of the present writ petition is comprised of the act of deactivation of the DIN itself by the ROC, Hyderabad, that too on the ground of alleged defaults in respect of companies situated in Hyderabad, it is the High Court at Telangana which has jurisdiction to hear the matter. Although the operation of the deactivation in respect of companies, some of which situated in Kolkata, may be a consequence of such deactivation, the same is the 'effect' of the action and not the 'cause' thereof.

Hence, W. P. A. 2524 of 2020 is dismissed as not maintainable on the ground of territorial jurisdiction alone.

Liberty is granted to the petitioner to approach the appropriate High Court ventilating the same grievances as taken in the present writ petition.

It is further clarified that the merits of the writ petition have not been gone into by this Court.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

